

REMARKS

Claims 1-39 are currently pending in the application. Claims 1, 10, 17, 21, 30 and 37 are independent claims and claims 2-9, 11-16, 18-20, 22-29, 31-36, 38 and 39, respectively, depend from the independent claims. The Applicants request reconsideration of the pending claims in light of the following remarks.

The Applicants respectfully requested, in the previous response mailed on February 17, 2004, that any subsequent Office Action be made Non-Final because the rejections recited therein lacked specificity and that each and every element set forth in the Applicants' claims was not clearly identified. The instant Office Action was made Final anyway.

The Applicants respectfully submit that the original rejections were deficient and respectfully points to the language added to the instant Office Action on page 3, wherein it is apparent that the Examiner is attempting to "beef-up" the previous rejections. Because additional explanation was required, and additional limitations not previously addressed are addressed in the instant Office Action, the instant Office Action should not have been made Final.

The Applicants assert that the present rejections, even in their instant "beefed-up" form, still lack specificity, are deficient, and fail to disclose every feature set forth in the Applicants' claims. The Applicants respectfully object to the instant Office Action being made Final and respectfully request that any subsequent Office Action be made Non-Final.

In a telephone interview conducted on May 24, 2004 between Examiner Bartuska and Agent French, claims 1-39 and the cited references Lent and Mandler were discussed. The Applicant's Agent stated that neither of the cited references disclosed, among other things, product information regarding at least one product being offered for sale online or the concept of online financing. The

Examiner stated that the cited references teach supplying a credit line. The Examiner further stated that a credit line is the same thing as financing. The Applicants' Agent disagreed during the interview and the Applicants respectfully disagree herein. The Applicants respectfully assert that obtaining/determining online financing is different from obtaining a credit card or being registered as a potential buyer through a financial clearinghouse as taught by the cited references below.

After careful review of the rejections in the instant Office Action, Applicants respectfully submit that the rejections lack specificity. The Office Action has suggested that both of Lent and Mandler *clearly anticipate* (emphasis added) every feature set forth in Applicants' claims 17-19, 30-32 and 36-38, over Lent, and claims 1-39, over Mandler, respectively. The Applicants respectfully disagree. The Applicants respectfully submit that a *prima facie* case for anticipation has not been made by the rejections.

The Applicants respectfully submit that, if the features set forth in the Applicants' instant rejected claims are *clearly anticipated* (emphasis added) by both of Lent and Mandler, then the Office Action would clearly disclose what specific teachings in Lent and Mandler indisputably correspond to each and every feature set forth in the Applicants' claims, as required by 35 U.S.C. § 102(e) and 35 U.S.C. § 102(b). The Applicants respectfully assert that this has not been done. Instead, the Office Action merely cites a few locations in Lent and Mandler without providing any explanation or interpretation regarding the cited teachings.

Therefore, because the rejections over Lent and Mandler lack specificity, explanation and interpretation, resulting in an incomplete Office Action, the Applicants respectfully request that the next Office Action be made non-final. The Applicants respectfully request that any rejection made in any subsequent Office Action be specific so that the Applicants may be provided with at

least a first fair opportunity to respond to the rejection without having to speculate as to the substance of the rejection and then respond thereto.

In paragraph 2 on pages 2 and 3 of the Office Action, claims 17-19, 30-32 and 36-38 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Lent et al., US Patent 6,405,181 (Lent).

According to the Office Action, Lent clearly anticipates every feature of Applicants' invention as set forth in claims 17-19, 30-32 and 36-38. The Applicants respectfully traverse the rejections as follows.

According to the Office Action, Lent discloses all of the features set forth in Applicants' independent claims 17, 30, and 37. Applicants respectfully disagree and submit that Lent is different from the Applicants' claimed invention for at least the following reasons.

Lent teaches a system and method for providing on-line credit card application approval (col. 3, lines 54-55). Lent teaches creating a credit card application by prompting an applicant for data (col. 3, lines 55-57). Lent discloses communicating with the applicant over the world wide web using Java, HTML, or other commonly used Internet protocols (col. 3, lines 57-60).

Applicant data includes the applicant's address, etc. (col. 3, lines 62-63). The data is validated (col. 4 lines 6-7). If the data is determined to be valid, then the validated data is input to an Underwriter (col. 4, lines 13-15). The Underwriter receives the data and evaluates the data to determine if the applicant should receive an offer of credit (i.e., a credit card) (col. 4, lines 18-20).

If the Underwriter determines that an offer of credit should be extended to the applicant, then an offer is made in real time. If the Underwriter determines that no offer of credit should be extended, then the Underwriter determines a reason for rejecting the applicant.

The Applicants respectfully assert that Lent is different from the Applicants' claims for at least the following reasons.

Regarding claims 17, 30, and 37, Lent fails to at least disclose a method of facilitating financing of at least one product being offered for sale online. Lent fails to mention any products at all. Lent is a credit card approval method and system.

Further, Lent fails to at least disclose determining at least a likelihood of a buyer being approved for financing of at least one product being offered for sale online. Lent fails to mention products being financed. Lent merely discloses a credit card application approval process.

Additionally, Lent fails to at least disclose online affordability based purchasing. Lent fails to mention affordability of any purchases at all. Lent is a credit card approval method and system.

Further, Lent fails to disclose determining an amount a buyer can finance online. Lent fails to mention financing at all. Lent merely discloses a credit card application approval process. The Applicants respectfully submit that Lent is different from and fails to anticipate the Applicants' claims 17, 30, and 37 for at least the reasons set forth above.

For at least the reasons set forth above, Lent is different from and fails to disclose all the features set forth in Applicants' independent claims 17, 30, and 37. Applicants assert that claims

17, 30, and 37 are allowable over the cited reference. Applicants respectfully request that rejection of independent claims 17, 30, and 37 under 35 U.S.C. § 102(e) be withdrawn.

Because dependent claims 18, 19, 31, 32, 36, and 38, depend from independent claims 17, 30, and 37, respectively, the Applicants assert that the dependent claims are also allowable over the cited reference. Applicants respectfully request that the rejection of dependent claims 18, 19, 31, 32, 36, and 38 under 35 U.S.C. § 102(e) be withdrawn.

In paragraph 3 on page 3 of the Office Action, claims 1-39 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Mandler et al., US Patent 5,732,400 (Mandler).

According to the Office Action, Mandler clearly anticipates every feature of Applicants' invention as set forth in claims 1-39. The Applicants respectfully traverse the rejections as follows.

According to the Office Action, the Mandler discloses all of the features set forth in Applicants' independent claims 1, 10, 17, 21, 30, and 37. The Applicants respectfully disagree and submit that Mandler is different from the Applicants' claimed invention.

Mandler teaches a method for providing transactional capabilities to buyers of goods to have open account trade credit with a plurality of sellers and provide sellers with improved risk assessment and decreased credit costs for buyers (col. 1, lines 9-13). Mandler teaches a financial clearinghouse (FCH) for receiving a registration application for registering buyers via a computer network (col. 3, lines 35-39).

The FCH makes a real-time risk classification of each buyer utilizing an on-line repository of credit data (col. 3, lines 39-42). The FCH determines a credit line for each buyer

(col. 3, line 46-47). The FCH provides a preliminary authorization for a proposed purchase and transmits a request for a quotation (col. 3, lines 49-51).

Regarding claims 1, 10, 17, 21, 30, and 37, Mandler fails to at least teach, suggest, or disclose online affordability based purchasing. Mandler instead teaches a financial clearinghouse for registering potential buyers.

Further, Mandler fails to disclose product information regarding at least one product being offered for sale. Mandler also fails to disclose performing a review of the product information for the at least one product being offered for sale online. Mandler merely discloses registering potential buyers.

Additionally, Mandler fails to at least disclose determining at least a likelihood of a buyer being approved for financing of at least one product being offered for sale online. Mandler merely discloses registering potential buyers. The Applicants respectfully submit that Mandler is different from and fails to anticipate the Applicants' claims 1, 10, 17, 21, 30, and 37 for the reasons set forth above.

For at least the reasons set forth above, Mandler is different from and fails to disclose all the features set forth in Applicants' independent claims 1, 10, 17, 21, 30, and 37. Applicants assert that claims 1, 10, 17, 21, 30, and 37 are allowable over the cited reference (Mandler). Applicants respectfully request that rejection of independent claims 1, 10, 17, 21, 30, and 37 under 35 U.S.C. § 102(b) be withdrawn.

Because dependent claims 2-9, 11-16, 18-20, 22-29, 31-36, 38, and 39, depend from independent claims 1, 10, 17, 21, 30, and 37, respectively, the Applicants assert that the dependent

claims are also allowable over the cited reference. Applicants respectfully request that rejection of dependent claims 2-9, 11-16, 18-20, 22-29, 31-36, 38, and 39 under 35 U.S.C. § 102(b) be withdrawn.

Applicants believe that all of claims 1-39 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Dated: June 23, 2004

By: 

Fredrick T. French III
Reg. No. 52,524

McAndrews, Held & Malloy, Ltd.
500 West Madison Street - Ste. 3400
Chicago, Illinois 60661
(312) 775-8000